



MINUTES

Kane County Resource Committee
76 North Main Street
Kanab, Utah 84741
March 20, 2019

CHAIRMAN:

Andy Gant

PRESENT:

Commissioner Andy Gant, Tony Chelewski, Bart Battista, Jim Matson, Lance Jackson, Pam Hill, Bob Wallen (former member), Lou Pratt, GIS, Reid Mann, Kane County Deputy Attorney; Wendy Allan, Land Use Secretary, Ade' Nelson, Zoning Administrator

ABSENT:

Charlie Saba, Kelly Stowell, Byard Kershaw and Shannon McBride, Land Use Planner were attending a BLM meeting

9:00 AM

Meeting called to Order
Pledge of Allegiance
Invocation

Andy Gant
Jim Matson
Andy Gant

Introductions were made. Andy explained that Mary Reynolds has resigned. Shannon McBride was introduced as the interim Resource Manager. We expect Resource will now fall under Land Use. We want to be a team and rely on your expertise. Andy stated that they are still working on how Resource will now be structured. Final decisions have not been made.

Andy indicated that we want to have the Resource Committee more involved. We want input from the Committee. Shannon will be the central point of contact. Details will be worked out once the Commissioners have had a chance to meet.

Members' areas of expertise:

Pam Hill-She has been in uranium and coal exploration and mining industries since the early 1980s. She worked with Energy Fuels Nuclear. She has dealt with public and government relations, mainly in Washington, but also on the state and local level. She has background in EIS. She has a strong working relationship with Bob Weidner and keeps in contact with him.

Lance Jackson-His expertise is in recreation and guide service.

Bart Battista-He is a professional engineer, registered in the state of Utah and an environmental engineer, registered in the state of Arizona. He has a master's degree in natural resource environmental management. He ran the environmental program at the air station at Camp KC Resource Committee Meeting 03-20-2019-Approved Minutes

Pendleton. He also ran the natural resource program for the whole base of Camp Pendleton. He has led a team of 20 people that just did NEPA. He has also worked with large scale contamination clean-up.

Jim Matson—He has a background with forestry, range management and vegetation management, More recently he has become an advocate for coordination and asserting county rights and regulations as it pertains to dealing with the Federal Government.

Lou Prat —He has 33 years of experience with Kane County: roads department, equipment operator, GIS, 2477 litigation.

Tony Chelewski-He worked for IBM for 38 years. He has been on the water conservancy board 25 years, and the planning and zoning commission 15 years. He is involved in the water situation. He gets involved in things that are going on locally: solar power plant, road access, Spanish trail.

Reid Mann-He has been the deputy county attorney for the past 3 years, advising the resource committee, making sure the things we do are legal, dealing mainly with the Resource Planner; i.e. monument reduction and reduction of trails.

Reid addressed Mary's departure. It was sudden and unexpected. He made it clear that it was of her choosing. She did not resign under duress or forced resignation. There were some disagreements and she felt it was in her best interest to pursue different options. She left on her own terms.

Ade' Nelson-She has been with Kane County 1 year. She has previous experience in land survey, project management and development of commercial franchises. She is currently the zoning administrator.

Wendy Allan-She is the Land Use Secretary and has been with the county 6 months. Her background is in business and finance. She was on the school board for 9 years.

We have a conference call with Margaret Byfield (American Stewards of Liberty) tomorrow to include Lou, Reid, Jim, Andy, Ade' and Shannon regarding an agreement with the Forest Service and the Robinson Trail being a motorized trail. They are concerned about grading and maintenance. This has been going on since about 2009. This call will not involve Forest Service. Bart says the problem is in raising the hydro-geological impacts. They are talking about 401 under the Clear Water Act 401 & 404 issues. The Forest Service is concerned with water quality damage and the fill to go into water ways. There are expensive studies that go along with proving there is or is not a problem. Lou explained that we had engineers come and drive the trail. They gave a letter to counter all of the Forest Service claims, but then they keep coming up with more hurtles. Bart explains things do not "not pass" NEPA. It will fall into one of three categories; categorically exclude it, environmental assessment plan or environmental impact statement. It is just knowing how to proceed. Reid explained that was what was brought out in the coordination meeting. The Forest Service report did not include all the facts and they were asked to include

the history of Robinson Trail. We are following up with Angie Bullets to see if the report has been updated. We want to make sure the trail has motorized access.

Bart explained that they can have multiple alternatives; preferred alternative, alternative one, alternative two, or a no action alternative. Maybe this road is not part of their preferred alternative which is a problem if they said it would be. Reid indicated that the motorized access was not part of their preferred plan but the county stressed that it need to be part of it. The county feels that every alternative should include motorized access and the rest of the plan should be structured around that. Pam reminded us that they balked at that. There seems to be a lot of bureaucratic stalling.

Bart indicates that they will look at the purpose and need of the project. What is the need of the travel management plan? The purpose should include resolving this issue. If it does not resolve this issue then the purpose and need should be modified to do so. An alternative is not an alternative unless it satisfies the purpose and need. We need to make sure these issues are included in their purpose and need otherwise they are invalid alternatives.

Reid stated that Bart's comments are well phrased and would like them passed on to Shannon. Andy feels like Shannon may benefit from reaching out to Bart prior to the meeting.

Jim indicated that there is a new ranger that understands the NEPA process. (Chris Werhli) He could be a very good resource for us.

Lance indicated that it parallels the RS2477 argument. Reid indicates it RS2477 was about closing roads. Robinson Trail is different. Lou indicates RS2477 are existing roads before 1976.

Jim asks about the Forest Service Motorized Travel Plan. Lou indicates that plan has stalled. The Forest Service cannot explain why. Jim suggested working with the department of agriculture.

Jim talked about using Fennemore Craig for consulting services.

Reid shared some background information about Margaret Byfield with American Stewards for Liberty. He suggests taking a look at their website.

Andy asked about the need to have this team review and edit confidential BLM documents. Is it possible to delegate authority to committee members for review of BLM documents? Does Andy's MOU/nondisclosure statement allow for committee members to review things? Reid thinks that each member would not need to sign individual nondisclosure notices, because they are a subcommittee of the county. He will check into this and report back.

Shae Owens, PLPCO with the Governors' office and Brian Bremner, with Garfield County work with us on the monument realignment. Shawn Welch is legal counsel in that area.

Andy updated us on the legislative session. As a county we did well. The state pays for 75% of our costs for the case in 10th circuit court. We are representing 22 counties now. We are dealing

with over 12,000 roads across the state. Judge Waddops has been great to work with. He spent a week in Kane County riding and reviewing roads in Kane County. We expect to spend 1.3M. We were approved 500K one time money and another 500K from PLPCO.

Lou talked about the Bell Weather case. It is only 15 roads but it will set a precedence for everything to follow.

There was a discussion about using the Resource Committee member more.

Andy reported on his time in Washington. He visited with 38 legislators in 4 days, He also shared information on some funding issues: Secure Rural Schools, PILT. (See attachment #1)

Jim asked about Alton Coal. Andy will be taking over this assignment. He will be working on some CEBA funds to help with growth and road maintenance. Leland Pollock is our counterpart in Garfield County. Andy has been working with him. Phil Lyman, San Juan County, has also been good to work with.

Jim talked about Five Counties Association of Government and Six Counties Associations of Government are working collectively in funding and promoting congressional staff tours. He wants to make sure Kane County has a stop scheduled. Andy will confer with Lamont.

Meeting adjourned at 10:34 am.

Resource Committee Chair
Andy Gant, Commissioner

Land Use Secretary
Wendy Allan